

Appl. No. : 10/530,905
Filed : April 8, 2005

REMARKS

In response to the election of species requirement set forth in the communication, Applicant elects the following:

Species A: calotropin and 2'' oxo-voruscharin

Species B: lung cancer

Species C: vincristine

Claims 3, 5, and 7, read upon at least one of the elected species. Claims 1-16 are generic to species A, B, and C.

This election is made with traverse. The traversal is on the following grounds.

The Office Action states that the claims lack the same or corresponding technical feature because a prior art reference, WO 98/52562, does not teach all of the species A compounds, does not teach that the *Calotropis procera* extract is able to treat all the types of cancers claimed and does not teach combining the extract with therapeutic agents, as claimed.

The expression "special technical features" means, in any one claim, the particular technical feature or features that define a contribution that the claimed invention considered as a whole makes over the prior art (PCT Rule 13.2). It is not necessary that the special technical features in each invention be the same.

Based upon the Examiner's characterization of the '562 reference, the '562 reference does not teach the special technical features of the present claims. Accordingly, the species of the claimed invention share one or more special technical features that define a contribution that the claimed invention considered as a whole makes over the cited prior art (the '562 patent document). The claims, by the Examiner's own characterization, include special technical features which are not disclosed in the cited document, WO 98/52562.

In particular, claim 1, from which all of the claims depends recites the combination of an extract of *Calotropis procera* and at least one therapeutic compound and/or physical treatment that has detrimental side effects. This special technical feature is shared by all of the claims and is not taught in WO 98/52562. Accordingly, there is unity of invention.

In view of Applicants' arguments, withdrawal of the election of species requirement is respectfully requested.

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Conclusion

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned agent at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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